

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-45195 of 2016

.....

Date of decision:28.9.2017

Dalbir Singh alias Gaggu and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

(2) Criminal Misc. No.M-45039 of 2016

.....

Sitara Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vivek Salathia, Advocate for the petitioners in Cr.
Misc. No.M-45195 of 2016 and for respondent No.2 in
Cr. Misc. No.M-45039 of 2016.

Mr. Vikas Gupta, Advocate for the petitioners in Cr.
Misc. No.M-45039 of 2016 and for respondents No.2 and 3 in
Cr. Misc. No.M-45195 of 2016.

Mr. Kuldeep Singh, Senior Deputy Advocate General,
Punjab for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal
miscellaneous petitions i.e. Criminal Misc. No.M-45195 of 2016 filed
under Section 482 Cr.PC. for quashing of FIR No.114 dated 6.6.2013
registered for the offences under Sections 307, 324, 148, 149 and 120-B IPC

and Section 25 of the Arms Act at Police Station Patti, District Tarn Taran and Criminal Misc. No.M-45039 of 2016 filed for quashing of Rapat No.32 dated 11.6.2013 registered for the offences under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act in FIR No.114 dated 6.6.2013 and all other subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that challan has not been presented so far by the Police in the Court. It has been further argued that even though the offence under Section 307 IPC is not compoundable, but in view of the law laid down by the Hon'ble Supreme Court in Narinder Singh and others v. State of Punjab and another, 2014 (2) CrI.C.C. 536, these petitions can be entertained.

The FIR and the Rapat were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Patti has sent two reports dated 15.2.2017 in both the cases submitting that the compromise arrived at between the parties is without any pressure or coercion from any

one and the same is genuine.

Learned Senior Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainants admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR and the Rapat in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, these petitions are allowed. FIR No.114 dated 6.6.2013 registered for the offences under Sections 307, 324, 148, 149 and 120-B IPC and Section 25 of the Arms Act at Police Station Patti, District Tarn Taran and Rapat No.32 dated 11.6.2013 registered for the offences under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act in FIR No.114 dated 6.6.2013

and all other subsequent proceedings arising out of the same are hereby
quashed qua the petitioners.

September 28, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No